

studied at public schools and was no stranger to poverty and discrimination.

She spent weekends and summers working in her father's small business, and she was surrounded by the love and lessons of her immigrant family. Now, these experiences all helped to shape the unique and needed perspectives that she now brings as a Federal judge. If confirmed, Judge Koh will become the first Korean-American woman to serve on a Federal circuit court.

Now, as the first Latino to represent California here in this Senate, I know the importance of diversity at all levels of government, and that includes the judiciary. Our country is stronger and fairer when we are guided by the voices and experiences of all of our people. And we still have a lot of work to remake our justice system to better reflect the country that it serves.

Based on Judge Koh's record, her skill, intellect, and respect for the rule of law, her confirmation is a big step in helping us achieve that goal.

I urge my colleagues to join me in voting to confirm her to the Ninth Circuit.

I yield the floor.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the nomination, which the clerk will report.

The legislative clerk read the nomination of Lucy Haeran Koh, of California, to be United States Circuit Judge for the Ninth Circuit.

VOTE ON KOH NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Koh nomination?

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE), the Senator from Wyoming (Mr. LUMMIS), the Senator from Kansas (Mr. MORAN), the Senator from Florida (Mr. RUBIO), and the Senator from North Carolina (Mr. TILLIS).

The result was announced—yeas 50, nays 45, as follows:

[Rollcall Vote No. 494 Ex.]

YEAS—50

Baldwin	Feinstein	Markey
Bennet	Gillibrand	Menendez
Blumenthal	Hassan	Merkley
Booker	Heinrich	Murphy
Brown	Hickenlooper	Murray
Cantwell	Hirono	Ossoff
Cardin	Kaine	Padilla
Carper	Kelly	Peters
Casey	King	Reed
Coons	Klobuchar	Rosen
Cortez Masto	Leahy	Sanders
Duckworth	Lujan	Schatz
Durbin	Manchin	Schumer

Shaheen
Sinema
Smith
Stabenow

Tester
Van Hollen
Warner
Warnock

Warren
Whitehouse
Wyden

NAYS—45

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Collins
Cornyn
Cotton
Cramer
Crapo
Cruz
Daines

Ernst
Fischer
Graham
Grassley
Hagerty
Hawley
Hoeven
Hyde-Smith
Johnson
Kennedy
Lankford
Lee
Marshall
McConnell
Murkowski

Paul
Portman
Risch
Romney
Rounds
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Toomey
Tuberville
Wicker
Young

NOT VOTING—5

Inhofe
Lummis

Moran
Rubio

Tillis

The nomination was confirmed.

(Mr. WHITEHOUSE assumed the Chair.)

The PRESIDING OFFICER (Mr. HEINRICH). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The Senator from Rhode Island.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. WHITEHOUSE. Mr. President, I am here on the floor to ask for some courtesy for a pair of nominees. These are nominees to the Court of Federal Claims, which is the court to which citizens can come with claims against the Federal Government.

In the Court of Federal Claims, the Federal Government is the defendant, and these two individuals are in an enormous traffic jam that our colleagues have created for nominees. At the moment, I am told we have 159 nominees, out of committee, on the Executive Calendar, backed up on the Senate floor—159.

I am on the Judiciary Committee. These two are judges. They are for the Court of Federal Claims. This is not a partisan thing; this is about letting the Court of Federal Claims do its work.

Both of them are extremely well qualified; neither is partisan. Both were voice voted out of the Judiciary Committee, and I would hope, just as a matter of courtesy and common decency, we could agree tonight to move them forward.

Now, one of them is named Armando Bonilla. He served as the counsel to the Marshals Service. He served as counsel to the Deputy Attorney General.

He served, actually, as Associate Deputy Attorney General. In the Department of Justice it is not an easy thing to move up from being counsel to the Marshals Service to being counsel to the DAG, to being Associate DAG. So that is a pretty impressive record.

Before that, as a trial attorney, he had served in the Public Integrity Section of the Department, in the asset forfeiture and money laundering section, bringing those cases, and in the civil side in the Commercial Litigation Division.

So he has the trial qualifications you would want. He has the experience from the government side that you would want. He got a voice vote out of committee. And if that is not enough, he is a graduate from West Virginia University.

So he is, I think, a very well-rounded individual who would serve well in the Court of Federal Claims.

Also, I will be asking to confirm Carolyn Lerner, who brings her own superb qualifications to this position as well. She is, right now, the chief circuit mediator for the Court of Appeals for the DC Circuit. So she deals with litigation conflicts all the time. She obviously is viewed with considerable regard by the court who made her their chief circuit mediator.

She served for many years in private practice. So she would be very familiar with the private practice of individuals who come before the Court of Federal Claims. Again, private person versus Federal Government is what that court's business is. And she even taught law.

So Carolyn Lerner and Armando Bonilla are both very well qualified, and both came out of the Judiciary Committee with voice votes, which means they both had bipartisan support, and this is an important court to proceed with.

Now, what has happened here and the reason we are now up to 159 backed-up nominees for executive and judicial positions is that our colleagues on the other side are insisting on cloture for essentially almost every individual who comes through, and that eats up time on the Senate floor and slows things down and creates a traffic jam. It is like you are driving on Highway 95 and you pull into the middle lane and drive 25 miles an hour. You are going to jam up traffic behind you. And that is what our friends are doing. They are jamming up traffic.

I think there are certain Members of the other party who would like to see the Biden administration not be able to get his team in place just for partisan reasons.

So when Donald Trump came in, in his first year, he was obviously not popular with us on our side, and he had some pretty appalling appointments. But even in that very hostile environment, the Republican leader only had to file cloture for 65 appointees—65 in that first year. In President Biden's year, we are already at 127. So the cloture rate has doubled from even that very difficult, challenging year when Trump first came in.

And I see my friend from Alaska here. So I will just review the bidding. We have 159 nominees backed up on the Senate floor who are all out of committee, all ready for votes, many of whom are coming out of committee by voice votes with big bipartisan majorities. Two of them are the individuals whom I am going to be asking unanimous consent to confirm tonight, Armando Bonilla and Carolyn Lerner.